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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	ET Docket No. 96-102
to Provide for Unlicensed NII/SUPERNet	)	RM-8648
Operations in the 5 GHz Range	)	RM-8653

**MOTION FOR LEAVE TO FILE LATE-FILED COMMENTS**

Pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46 (1995), The Business Software Alliance ("BSA") hereby requests leave to file its Comments in the above referenced matter after the date established in the Commission's Notice. Although the Comments were prepared prior to the due date under the Commission's Rules, BSA was unable to obtain final review of the filing by all members of the BSA Policy Council in time to meet the July 15 deadline. BSA believes that no parties will be unfairly prejudiced by the late filing of the attached Comments. Accordingly, BSA respectfully requests that the Commission accept the attached late filed Comments.

Respectfully submitted,



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Dated July 18, 1996

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**COMMENTS OF THE BUSINESS SOFTWARE ALLIANCE**

The Business Software Alliance ("BSA"), on behalf of its members, hereby supports the Commission's proposal to make available 350 MHz of spectrum in the 5 GHz range for use by a new generation of unlicensed wireless devices.

BSA is chartered with promoting the continued growth of the software industry through its international public policy, education, and enforcement programs in more than 60 countries throughout North America, Europe, Asia, and Latin America. BSA worldwide members include the leading publishers of PC software including Adobe, Autodesk, Bentley Systems, Lotus, Microsoft, Novell, Symantec Corporation, and The Santa Cruz Operation. BSA's Policy Council consists of these publishers and other leading computer technology companies including Apple Computer, Computer Associates, Digital Equipment Corp., Intel, International Business Machines and Sybase.

BSA's members are intimately aware that the need to share information over networks and to use computing tools on an "anytime, anywhere" basis has created a close nexus between the development of computing technologies and the development of communications technologies. As a result, BSA long has supported the provision of adequate and affordable bandwidth and the associated development of reliable, flexible, and affordable unlicensed wireless communication devices.

devices.

BSA is pleased to support the Commission's most recent proposal to expand the spectrum available to unlicensed data communications devices. As discussed in the NPRM, the NII/SUPERNet band will make possible a wide variety of communications functions that, today, are either impossible or prohibitively expensive. In so doing, it will advance universal service objectives, promote economic activity and the growth of new industries, and enhance the ability of U.S. manufacturers to compete globally.

BSA also supports the Commission's proposal to leave the greatest amount of flexibility to marketplace forces by not adopting a channelization plan and by limiting its role to the formulation of only minimal technical standards -- such as power and emission limits. BSA maintains that only in those limited instances where the need for government mandated standards is clearly in the public interest, and only where the industry cannot adopt voluntary standards, or has failed to respond to marketplace forces by developing appropriate voluntary standards, should the Commission impose standards. The computer and information technology industries have demonstrated that freedom from unnecessarily rigid rules creates an environment within which competition and innovation can flourish, bringing new products and services to users in business, residential and educational environments. BSA urges the Commission to continue to protect and promote the flexibility inherent in the NII/SUPERNet proposal, and to resist any effort -- whether through regulation or technical standards -- to permit any single technology or type of use to monopolize the band.

While BSA generally supports the NPRM, it believes that the Commission's proposal does not adequately provide for longer-distance links to be used for community networks. Community networks will make it possible to connect individuals and community groups to each other, to local

institutions and information resources, and to the national information infrastructure. While this may seem like a modest application of telecommunications technology, the disappointing truth is that far too many individuals and groups across the United States do not have access to affordable, reliable, high speed data connections.

In order to overcome the information isolation imposed upon so many, the Commission should take an active role in the enabling of community networks throughout the entire NII/SUPERNet band, working with industry to establish reasonable sharing criteria. In addition, it should reject any proposal to force longer distance unlicensed links into a rigid, costly, and cumbersome licensing system.

BSA commends the Commission for seeking to provide a suitable environment for very high capacity unlicensed wireless networks for data communications. The NII/SUPERNet band will complement other existing technologies and services, both licensed and unlicensed, wired and wireless. It will expand the reach of communications technologies into realms that none of these other technologies or services can enter. In so doing, it will enable communications to keep pace with computing technologies, benefitting users for decades to come.

Respectfully submitted,

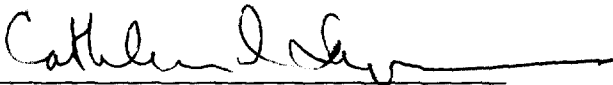
A handwritten signature in dark ink, appearing to read "Becca Gould", is written over a horizontal line.

Becca Gould  
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Dated July 18, 1996

## **CERTIFICATE OF SERVICE**

I, Cathleen D. Sampson, do hereby certify on this 18th day of July, 1996, that a copy of the foregoing Comments of The Business Software Alliance, ET Docket No. 96-102, was served via hand-delivery on the party named below.

  
Cathleen D. Sampson

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